

12-126 McQUIGGIN V. PERKINS

DECISION BELOW: 670 F.3d 665

LOWER COURT CASE NUMBER: 09-1875

QUESTION PRESENTED:

The Antiterrorism and Effective Death Penalty Act of 1996 (AEDPA) contains a one-year statute of limitations for filing a habeas petition. In *Holland v. Florida*, 130 S. Ct. 2549, 2562 (2010), this Court affirmed that a habeas petitioner is entitled to equitable tolling of that one-year period "only if he shows: (1) that he has been pursuing his rights diligently, and (2) that some extraordinary circumstance stood in his way and prevented timely filing." This petition presents two recurring questions of jurisprudential significance involving equitable tolling under AEDPA that have divided the circuits:

1. Whether there is an actual-innocence exception to the requirement that a petitioner show an extraordinary circumstance that "prevented timely filing" of a habeas petition.
2. If so, whether there is an additional actual-innocence exception to the requirement that a petitioner demonstrate that "he has been pursuing his rights diligently."

CERT. GRANTED 10/29/2012